

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
PLAINTIFF,)
)
v.) CASE NO. 1:16-CR-231-AT
)
JAMES D. FRALEY, III,)
DEFENDANT.)
_____)

UNOPPOSED MOTION TO MODIFY SENTENCE

Comes now Defendant James Fraley, by and through counsel of record, and files this request to modify the conditions of his sentence to allow him: 1) to take an out of district, but still domestic, trip for his daughter's graduation; and 2) to freely incur new credit charges, or open additional lines of credit without the approval of the probation officer. In support of this motion, the Defendant shows this Honorable Court the following:

1. As part of Defendant's sentence, this Court ordered that Defendant be restricted to his residence at all times except for employment, education, religious activities...other activities pre-approved by the probation officer and not to incur new credit charges, or open additional lines of credit without the approval of the probation officer.

2. Mr. Fraley has complied with all of the terms and conditions of his sentence to date.
3. Mr. Fraley's daughter is graduating from Mercer University on May 13, 2024 and Mr. Fraley wishes to attend and to celebrate the occasion with his family. The ceremony begins at 8 am on May 13th but his daughter needs to arrive by 6:30 am. Therefore, Mr. Fraley asks permission to travel to Macon on May 12th and return May 14th.
4. In April 2024, Mr. Fraley paid \$232,959.13 to satisfy the restitution obligation.
5. Due to the nature of his business dealings, it is necessary and customary to utilize credit in the ordinary course of business including for the purchase of equipment and other reasons.
6. Therefore, Mr. Fraley respectfully asks this Court to grant him permission to freely access credit without permission, and to go to his daughter's graduation in Macon on May 13, 2024. Mr. Fraley requests to be allowed to travel to Macon on May 12th and return on May 14th.

7. The undersigned has consulted with AUSAs Russell Phillips and Vivieon Jones and the Government does not oppose this motion.

Respectfully requested this 17th day of April, 2024.

Respectfully submitted,

s/Stuart M. Mones
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have this day served upon all counsel of record a true and correct copy of the foregoing Motion to Consent Modify Defendant's Sentencing by electronic filing through the Court's CM/ECF system.

Dated this 17th day of April, 2024.

s/Stuart M. Mones
STUART M. MONES